

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

DESHONNA MOSLEY

PLAINTIFF

v.

CIVIL ACTION NO. 3:17-cv-00898-TSL-RHW

HONOLULU WAVE EXPRESS, LLC,
HENRY WINSTON, AND JOHN DOES I-
III

DEFENDANTS

MOTION FOR ADDITIONAL TIME TO SERVE PROCESS

Comes now the Plaintiff, by and through the undersigned attorney, who moves the Court for additional time to serve process, and in support therefore would show as follows:

1. Plaintiff has learned that Honolulu Wave Express, LLC was originally formed, but subsequently administratively and involuntarily dissolved by the State of Hawaii.
2. Subsequent to the dissolution by Hawaii, Honolulu Wave Express, LLC was organized under Texas law, under which it operated at the time of the incident set forth in the Complaint.
3. It appears that after the date of this incident, albeit an undetermined time, Honolulu Wave Express, LLC, forfeited its existence under the laws of the State of Texas.
4. Plaintiff has ascertained the names of the members of the former Honolulu Wave Express, LLC, all of whom are resident citizens of the State of Texas based on information and belief.
5. Plaintiff has been diligent in attempts to ascertain information as to the LLC who owned the vehicle that caused Plaintiff's injuries, and which employed the driver-defendant who caused Plaintiff's injuries. In doing so, Plaintiff had to consult with two different

secretary of state offices, including sending payment for certain documents evidencing this information, as well as research into the identities of the individual members of the LLC.

6. In order to amend the Complaint pursuant to Rule 15(c)(1)(C) to change the party name of two of the previously named John Doe defendants, and in order to achieve service on those individuals individually and in the name of the LLC (to the extent required pursuant to Rule 17(b)(3)(A)), Plaintiff does require additional time from the Court to do so.
7. Based on the foregoing, Plaintiff believes that she has shown the “good cause” necessary for this Court to permit additional time to serve process, as is set forth in Rule 4(m).
8. Plaintiff requests that the Court grant a modest extension of forty-five (45) days in order to achieve service in this matter.
9. This is Plaintiff’s first request for an extension of time to serve, and the request is not made for reasons of delay, but rather so that all parties at interest are before the Court in order for the Court to adjudicate this matter properly.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that the Court grant this request for an additional forty-five (45) days to serve process in this matter.

Respectfully Submitted:

BY: /s/ R. Kevin Hamilton
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